

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
HALAZONETIS, et al. ) Attorney Docket No. 02973.00031  
Divisional of Serial No.: 08/894,327, ) Group Art Unit: Unknown  
filed December 4, 1997 ) Examiner: Unknown  
Filed: Herewith *4-11-2001* )

For: PEPTIDES AND PEPTIDOMIMETICS WITH STRUCTURAL SIMILARITY TO  
HUMAN p53 THAT ACTIVATES p53 FUNCTION

**PRELIMINARY AMENDMENT**  
**and**  
**SUBMISSION OF SEQUENCE LISTING**

Commissioner for Patents  
Washington, D. C. 20231

Sir:

Prior to examination on the merits and calculation of claim fees, please amend the attached divisional application as follows:

**IN THE SPECIFICATION:**

On page 1, between the title of the application and "Field of the Invention," please insert the following paragraph:

--This application is a divisional of U.S. Serial No. 08/894,327, filed December 4, 1997, which is a 371 of PCT/US96/01535, filed February 16, 1996 and a continuation-in-part of U.S. Serial No. 08/392,542, filed February 16, 1995, now U.S. Patent No. 6,169,073.--

Please substitute the attached pages of the Sequence Listing which are numbered pages 31-40 for original pages 31-44 of the specification. Please renumber pages 45-47 of the original specification as pages 41-43.

IN THE CLAIMS:

Please cancel claims 1-22.

Please amend claims 23 and 24 as follows:

23. (AMENDED) A method of treating an individual for a condition selected from the group consisting of exposure to DNA damaging agents, abnormal cell proliferation characteristic of psoriasis, atherosclerosis, cancer, and arterial restenosis, undesirable immune response accompanying rejection of a transplant and an autoimmune disease, comprising administering to the patient a pharmaceutical composition comprising a peptide having at least four sequential amino acids from a negative regulatory region which maps to residues 361-383 (SEQ. ID. No. 12) of p53, said peptide not being a subfragment of human p53, wherein said peptide activates DNA binding of wild-type p53 or a p 53 mutant containing a single amino acid substitution, said mutant selected from the group consisting of p53-ser<sup>239</sup>, p53-his<sup>273</sup>, .p53-gln<sup>248</sup>, p53-trp<sup>282</sup>, and p53-cys<sup>273</sup>, in a p53 DNA binding assay and a pharmaceutically acceptable carrier.

24. (AMENDED) A method for treating a patient having a tumor expressing a p53 mutant whose ability to bind DNA may be activated by peptides, modified peptides or peptidomimetics corresponding to all or a portion of the negative regulatory region which maps to residues 361-383 of p53, said method comprising administering to said patient a pharmaceutical composition comprising a peptide having at least four sequential amino acids from a negative regulatory region which maps to residues 361-383 (SEQ. ID. No. 12) of p53, said peptide not being a subfragment of human p53, wherein said peptide activates DNA binding of wild-type p53 or a p 53 mutant containing a single amino acid substitution, said mutant selected from the group consisting of p53-ser<sup>239</sup>, p53-his<sup>273</sup>, .p53-gln<sup>248</sup>, p53-trp<sup>282</sup>, and p53-cys<sup>273</sup>, in a p53 DNA binding assay and a pharmaceutically acceptable carrier.

SEQUENCE LISTING

Divisional of U.S. Serial No. 08/894,327

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Applicant requests that the computer readable form of the Sequence Listing be obtained from the parent file U.S. Serial No. 08/894,327. Applicants believe that the paper copy of the Sequence Listing attached hereto and the computer readable copy of the Sequence Listing found in the parent application U.S. Serial No. 08/894,327 are the same as the Sequence Listing originally disclosed in the specification and contain no new matter relative to the subject application as originally filed.

REMARKS

Claims 23-26 are pending in this application. A marked-up set of amended claims 23-26 are enclosed. Applicant respectfully requests examination on the merits of the pending claims.

Respectfully submitted,



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Date: April 11, 2001

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Attachment: Sequence Listing (Replacement Pages 31-40)  
Marked-up Set of Amended Claims

AP:lab  
386067\_1.DOC

**Marked-up Set of Amended Claims**

**IN THE CLAIMS:**

Claims 23 and 24 have been amended as follows:

23. (AMENDED) A method of treating an individual for a condition selected from the group consisting of exposure to DNA damaging agents, abnormal cell proliferation characteristic of psoriasis, atherosclerosis, cancer, and arterial restenosis, undesirable immune response accompanying rejection of a transplant and an autoimmune disease, comprising administering to the patient a pharmaceutical composition of claim 22 comprising a peptide having at least four sequential amino acids from a negative regulatory region which maps to residues 361-383 (SEQ. ID. No. 12) of p53, said peptide not being a subfragment of human p53, wherein said peptide activates DNA binding of wild-type p53 or a p 53 mutant containing a single amino acid substitution, said mutant selected from the group consisting of p53-ser<sup>239</sup>, p53-his<sup>273</sup>, p53-gln<sup>248</sup>, p53-trp<sup>282</sup>, and p53-cys<sup>273</sup>, in a p53 DNA binding assay and a pharmaceutically acceptable carrier.

24. (AMENDED) A method for treating a patient having a tumor expressing a p53 mutant whose ability to bind DNA may be activated by peptides, modified peptides or peptidomimetics corresponding to all or a portion of the negative regulatory region which maps to residues 361-383 of p53, said method comprising administering to said patient a pharmaceutical composition according to claim 22 comprising a peptide having at least four sequential amino acids from a negative regulatory region which maps to residues 361-383 (SEQ. ID. No. 12) of p53, said peptide not being a subfragment of human p53, wherein said peptide activates DNA binding of wild-type p53 or a p 53 mutant containing a single amino acid substitution, said mutant selected from the group consisting of p53-ser<sup>239</sup>, p53-his<sup>273</sup>, p53-gln<sup>248</sup>, p53-trp<sup>282</sup>, and p53-cys<sup>273</sup>, in a p53 DNA binding assay and a pharmaceutically acceptable carrier.